

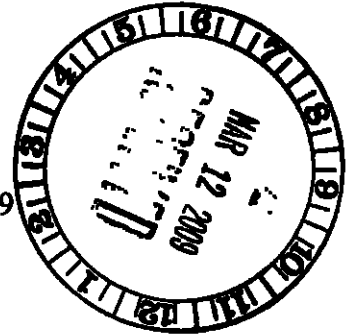
224667

LAW OFFICES
FRITZ R. KAHN, P.C.
EIGHTH FLOOR
1020 N STREET NW
WASHINGTON, DC 20036-1801

(202) 263-1132
FAX (202) 331-8330
e-mail: xiccge@worldnet.att.net

ORIGINAL

March 12, 2009



VIA HAND DELIVERY - RETURN STAMPED COPY

Hon. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E. Street, SW
Washington, DC 20423

Dear Secretary Quinlan:

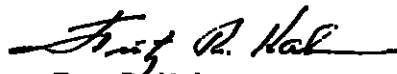
Enclosed for filing in STB Docket No. AB-1027X, Seaside Holdings, Inc. --
Discontinuance of Service Exemption--in Harlan County, KY, are the original and ten
copies of the Notice of Exempt Discontinuance of Seaside Holdings, Inc.

This firm's check for \$3,700 in payment of the filing fee is attached.

Additional copies of this letter and of the Notice are enclosed for you to stamp to
acknowledge your receipt of them and to return to me via the messenger.

If you have any question concerning the filing or if I otherwise can be of
assistance, please get back to me.

Sincerely yours,


Fritz R. Kahn

enc.

cc: Mr. Dan Corcoran

ENTERED
Office of Proceedings

MAR 12 2009

Part of
Public Record

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

ORIGINAL

STB Docket No AB-1027X

SEASIDE HOLDINGS, INC.
--DISCONTINUANCE OF SERVICE EXEMPTION--
IN HARLAN COUNTY, KY



NOTICE OF EXEMPT DISCONTINUANCE
OF
SEASIDE HOLDINGS, INC

FEE RECEIVED
MAR 12 2009
SURFACE
TRANSPORTATION BOARD

FILED
MAR 12 2009
SURFACE
TRANSPORTATION BOARD

Fritz R. Kahn
Fritz R. Kahn, P.C.
1920 N Street, NW (8th fl.)
Washington, DC 20036
Tel. (202) 263-4152

Attorney for

SEASIDE HOLDINGS, INC.

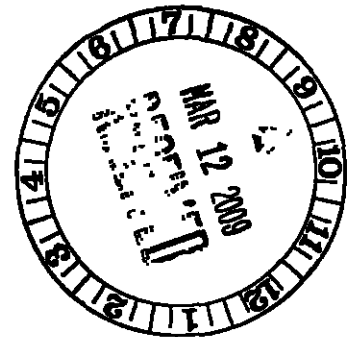
Dated March 12, 2009

ENTERED
Office of Proceedings
MAR 12 2009
Part of
Public Record

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No AB-1027X

**SEASIDE HOLDINGS, INC
--DISCONTINUANCE OF SERVICE EXEMPTION--
IN HARLAN COUNTY, KY**



**NOTICE OF EXEMPT DISCONTINUANCE
OF
SEASIDE HOLDINGS, INC**

Seaside Holdings, Inc ("Seaside"), a Class III railroad subject to this Board's jurisdiction, pursuant to 49 U.S.C. 10903 and 49 C.F.R. 1152.50, states, as follows:

- 1 The railroad line over which service is proposed to be discontinued extends between Milepost OWH 258.5 and the end of the track at Milepost OWH 271.06, a distance of 12.56 miles in Harlan County, Kentucky**
- 2. The anticipated consummation date is May 4, 2009**
- 3. Seaside, by the attached Verification of its President, Mr. Dan Corcoran, certifies that no local traffic has moved over the railroad line for at least two years' time, and any overhead traffic on the line can be rerouted over other lines.**
- 4. Seaside, by the attached Verification of its President, Mr. Dan Corcoran, further certifies that no formal complaint by a user of rail service on the railroad line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending before the Board or any U.S. District Court or has been decided in favor of a user within the two year period**

5 The exact name of the entity seeking the discontinuance authority is Seaside Holdings, Inc

6 Seaside is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105, having acquired the railroad line pursuant to the Board's Decision in STB Docket No. AB-55 (Sub-No. 667X), CSX Transportation, Inc. -- Abandonment Exemption--in Harlan County, KY, served September 12, 2006

7 Seaside seeks the Board's authorization to discontinue rendering service over the subject line.

8 A map of the subject line is attached as Exhibit A.

9 The representative of Seaside to whom correspondence should be addressed is:

Fritz R. Kahn
Fritz R. Kahn, P.C.
1920 N Street, NW (8th fl.)
Washington, DC 20036
Tel.: (202) 263-4152

10. The United States Postal Zip Codes traversed by the railroad line are 40828, 40843 and 40927

11. Since this is a proposed discontinuance, trail use/rail banking and public use conditions would be inappropriate.¹ Offers to subsidize continued service on the line for one year's time may be filed pursuant to 49 C.F.R. 1152.27

¹ See, STB Docket No. AB-286 (Sub-No. 5X), The New York, Susquehanna and Western Railway Corporation--Discontinuance of Service Exemption--in Broome and Chenango Counties, NY, served August 29, 2008; STB Docket No. AB-290 (Sub-No. 307X), Norfolk Southern Railway Company--Discontinuance of Service Exemption--in St. Joseph and LaPorte Counties, IN, served June 18, 2008; STB Docket No. AB 721X, Everett Railroad Company--Discontinuance of Service Exemption--in Blair County, PA, served November 16, 2007

12 No employee of Seaside is expected to be adversely affected by the proposed discontinuance, but Seaside understands that Board's decision will be subject to the employee protective conditions of Oregon Short Line R. Co --Abandonment--Goshen, 360 I.C.C. 91 (1979)

13 Since this is a discontinuance proposal, no environmental or historic report is required See, footnote 1

14 Seaside has served notices of the proposed discontinuance as required by 49 C.F.R. 1152.50(d)(1), and copies of the letters to the designated officials are attached as Exhibit B

14 Seaside has complied with the notice requirement of 49 C.F.R. 1105.11 by having a notice published in the February 19, 2009, edition of The Harlan Daily Express, a newspaper of general circulation in Harlan County, Kentucky. A copy of the affidavit of publication is attached as Exhibit C.

WHEREFORE, Seaside Holdings, Inc. asks that the notice of exempt discontinuance be accepted and allowed to become effective

Respectfully submitted,

SEASIDE HOLDINGS, INC

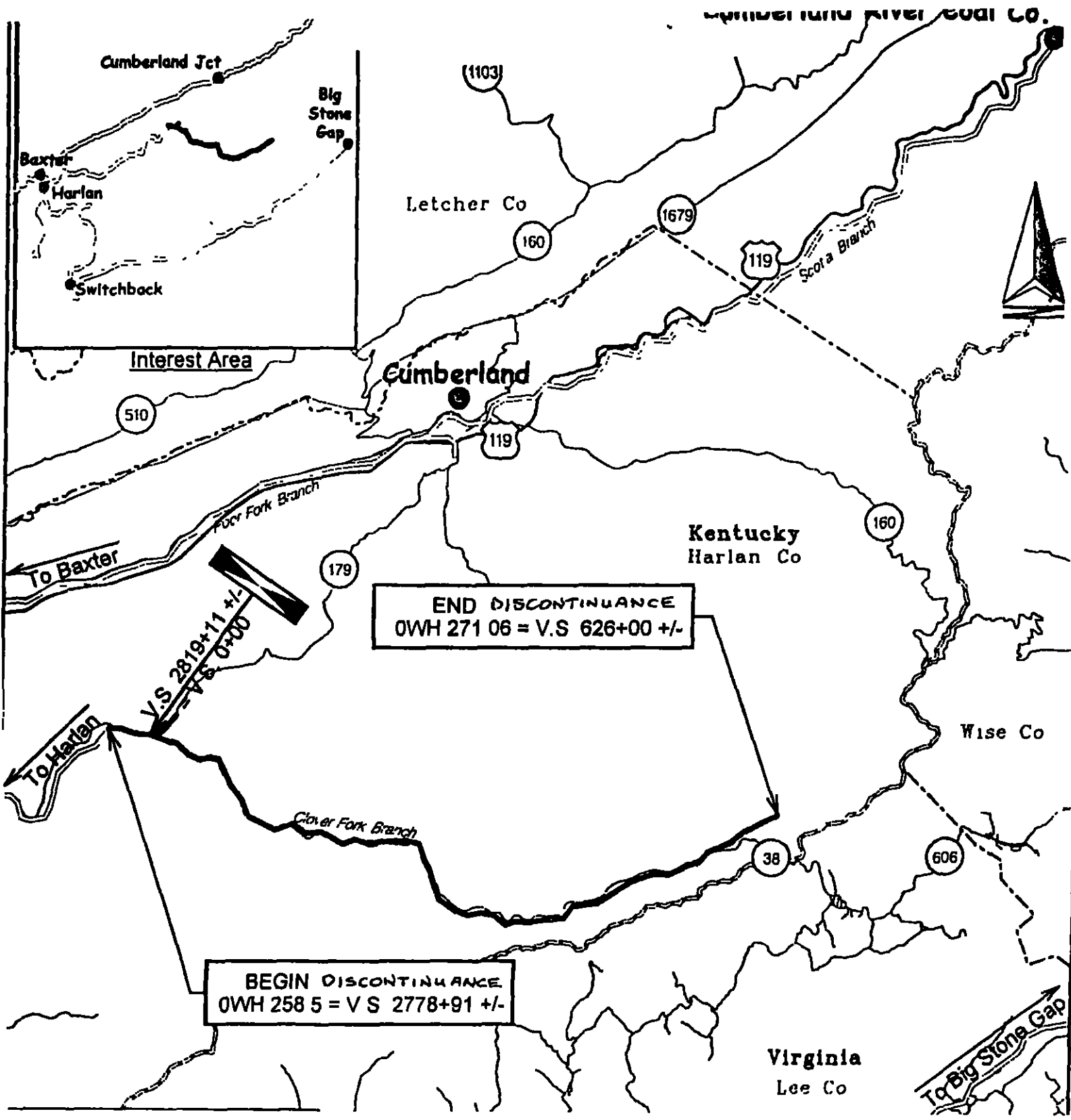
By its attorney,



Fritz R. Kahn
Fritz R. Kahn, P.C.
1920 N Street, NW (8th fl.)
Washington, DC 20036
Tel (202) 263-4152

Dated March 12, 2009

EXHIBIT A



BEGIN DISCONTINUANCE
OWH 258 5 = V S 2778+91 +/-

END DISCONTINUANCE
OWH 271 06 = V.S 626+00 +/-

EXHIBIT B

LAW OFFICES
FRITZ R. KAHN, P.C.
1920 N STREET, NW (8TH FL)
WASHINGTON, DC 20036
Tel (202) 263-4152 Fax (202) 331-8330
e-mail xiccgc@verizon.net

February 23, 2009

Mr. D. Thomas Ross, Assistant Director
Recreation and Conservation
National Park Service - Dept. of Interior
1849 C Street, NW
Washington, DC 20240-0001

Dear Mr. Ross:

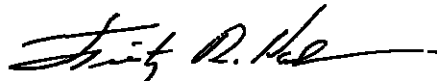
Please be advised that on or about March 12, 2009, Seaside Holdings, Inc. will file with the Surface Transportation Board its Notice of Exempt Discontinuance to cease rendering service on the railroad line extending between Milepost OWH 258.5 and the end of the track at Milepost OWH 271.06, a distance of 12.56 miles in Harlan County. The filing will be docketed as STB Docket No. AB-1027X.

The line traverses U.S. Postal Service Zip Codes 40828, 40843 and 40927.

Based on information in the possession of Seaside Holdings, Inc., the railroad line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

If you have any question concerning the foregoing, please get back to me.

Sincerely yours,


Fritz R. Kahn

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FRITZ R. KAHN, P.C.
1920 N STREET, NW (8TH FL)
WASHINGTON, DC 20036
Tel (202) 263-4152 Fax (202) 331-8330
e-mail xiccgc@venzont.net

February 23, 2009

MSDDC - Transp Engineering Agency
Attn SDTE-SA (Railroads for National Defense)
709 Ward Drive, Bldg 1990
Scott AFB, IL 62225-5357

Dear Sir/Madam

Please be advised that on or about March 12, 2009, Seaside Holdings, Inc will file with the Surface Transportation Board its Notice of Exempt Discontinuance to cease rendering service on the railroad line extending between Milepost OWH 258.5 and the end of the tack at Milepost OWH 271.06, a distance of 12.56 miles in Harlan County. The filing will be docketed as STB Docket No AB-1027X.

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Sincerely yours,



Fritz R. Kahn

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FRITZ R. KAHN, P.C.
1920 N STREET, NW (8TH FL.)
WASHINGTON, DC 20036
Tel (202) 263-4152 Fax (202) 331-8330
e-mail xiccgc@verizon.net

February 23, 2009

Mr. Mark David Goss, Chairman
Kentucky Public Service Commission
P.O. Box 615
Frankfort, KY 40602-0615

Dear Chairman Goss:

Please be advised that on or about March 12, 2009, Seaside Holdings, Inc. will file with the Surface Transportation Board its Notice of Exempt Discontinuance to cease rendering service on the railroad line extending between Milepost OWH 258.5 and the end of the track at Milepost OWH 271.06, a distance of 12.56 miles in Harlan County. The filing will be docketed as STB Docket No. AB-1027X.

The line traverses U.S. Postal Service ZIP Codes 40828, 40843 and 40927.

Based on information in the possession of Seaside Holdings, Inc., the railroad line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

If you have any question concerning the foregoing, please get back to me.

Sincerely yours,


Fritz R. Kahn

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FRITZ R. KAHN, P.C.
1920 N STREET, NW (8TH FL)
WASHINGTON, DC 20036
Tel (202) 263-4152 Fax (202) 331-8330
e-mail xicccg@verizon.net

February 23, 2009

Land Resources Division
National Park Service - Dept of Interior
800 North Capitol St., NE (#540)
Washington, DC 20002

Dear Sir/Madam

Please be advised that on or about March 12, 2009, Seaside Holdings, Inc. will file with the Surface Transportation Board its Notice of Exempt Discontinuance to cease rendering service on the railroad line extending between Milepost OWH 258.5 and the end of the track at Milepost OWH 271.06, a distance of 12.56 miles in Harlan County. The filing will be docketed as STB Docket No. AB-1027X.

The line traverses U.S. Postal Service Zip Codes 40828, 40843 and 40927.

Based on information in the possession of Seaside Holdings, Inc., the railroad line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

If you have any question concerning the foregoing, please get back to me.

Sincerely yours,


Fritz R. Kahn

EXHIBIT C

The Harlan Daily Enterprise
P.O. Box 1155 — Harlan, Kentucky 40831
(606) 573-4510

NOTARIZED PROOF OF ADVERTISING

State of Kentucky
County of Harlan

Before me, a Notary Public, in and for said County and State, this 9th day of March, 2009, came Eva Bell, personally known to me, who being duly sworn, states as follows: That he/she is Class Bus Mgr. of The Harlan Daily Enterprise, and that said publication of 2-19-09 carries the advertising of: STB - No AB - 1027X Notice of Intent to Discontinue Service.

Signature. .. Eva Bell

Notary Public:

Melvin M. Mink

My Commission Expires:

06/19/11

the proposed operation is approximately 2.5 miles southeast from US 119 a junction with KY 2006 and located 0.7 miles southwest of Cloverick Creek. The latitude is 36°-55'-37" The longitude is 83°-00'-25".

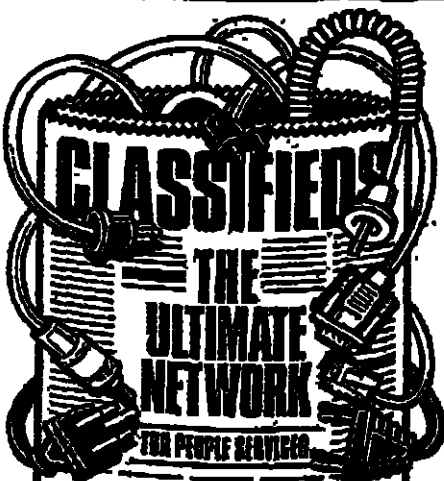
The proposed operation is located on the Louellen and Benham U S G S 7-1/2 minute quadrangle maps. The surface area is owned by ACIN LLC. The operation will underlie land owned by ACIN LLC. The application has been filed for public inspection at the Department of Surface Mining Reclamation and Enforcement's Middlesboro Regional Office, 1804 East Cumberland Avenue, Cumberland, Kentucky 40665. Written comments, objections, or requests for a permit conference must be filed with the Director, Division of Permits, #2 Hudson Hollow, U S. 127 South, Frankfort, Kentucky 40601.

STB No. AB-1027X

NOTICE OF INTENT TO DISCONTINUE SERVICE
Seaside Holdings, Inc. gives notice that on or about September 18, 2008, it intends to file with the Surface Transportation Board, Washington, DC 20423, a Notice of Exemption, pursuant to 49 C.F.R. 1152.50, permitting the discontinuance of a 12.58-mile line of railroad between Milepost OWH 258.5 and the end of the track at Milepost OWH 271.06 in Harlan County, KY. The proceeding is docketed as STB Docket No 1027X.

The Board's Section of Environmental Analysis (OESEA) will generally prepare an Environmental Assessment (EA) which will normally be available 25 days after the filing of the Notice of Exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 395 E Street, SW, Washington, DC 20423 or by calling that Section at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 395 E Street, SW, Washington, DC 20423 [See 49 C.F.R. 1104.1 (a) and 1104.3(a)], and one copy must be served on the railroad's representative [See 49 C.F.R. 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Services at (202) 245-0230. Copies of any comments or requests for conditions should be served on the applicant's representative, Fritz R. Kahn, Esq., Fritz R. Kahn, P.C., 1520 N Street, NW (8th fl.), Washington, DC 20038-1601 Tel.: (202) 263-4152.



I love you, mom

150 Lost & Found

LOST 2/17/09 in Wallins vicinity, 3 liver and white male Brittanya wearing orange collars. If found please call 864-2581 or 273-7848.

170 Bulletin Board

ELECTROLYSIS
Gina Wilson
The Ritz Salon
606-673-3308

200 Help Wanted

OFFICE 'CLERK' NEEDED

Minimum one year office experience, computer literate and good typing skills. Experience in accounting helpful, knowledge of Microsoft Excel and Word. Prior experience with Mas 200 a plus, ability to multi-task and work in fast paced environment.

Send Resume to:
P.O. Box 880
Harlan, KY 40831

WANTED: Truck driver with CDL license. Apply at Harlan County Concrete, call 573-9698

220 Employment Wanted

WILL BABYSIT in my home 1st, 2nd, and 3rd shifts and most every weekend. For more info, call 674-0615 and ask for Brenda.

300 Pets / Pet Care

DOG GROOMING
Tina Harris.
Phone 673-1219.

appliance purchases. Must be relocated. \$7,000 Call 674-9205

740 Building Lots / Home Sites

FOR SALE: Residential property. Ready Mix Road. city water, not mountain land. Call 573-9308.

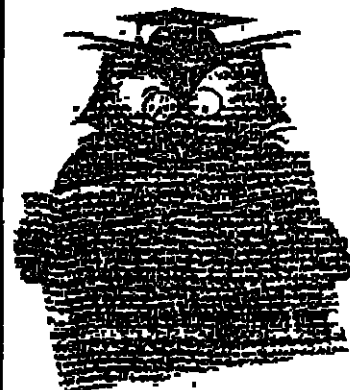
LOTS FOR SALE on Airport Road Call voice 573-4733 or cell 273-2470.

830 Motorcycles, ATVs

FOR SALE: 750 Honda Shadow, Heritage Edition, red and black, approx. 13,000 miles, great condition, \$3,600 firm. Call 573-3861.

Classified Advertising DELIVERS

information, contact Janna Moses, Administration at 606-546-5136.



Ma Dec The E

The newspaper is a great happening around the world. Reading the newspaper and as Info television show and as Info



What's Their Favorite Subject

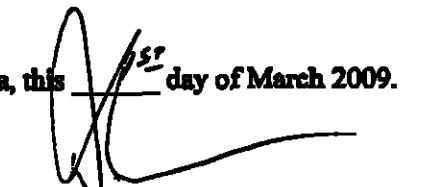
• Science • Art • History
• Literature • Sports • Weather

The newspaper has them all! Every day students can find stories that relate their interests in the Newspaper. They can even use the newspaper for research and homework help. Please encourage your child to read and use paper. It will help them better understand the world and themselves.

VERIFICATION

I, Dan Corcoran, President of Seaside Holdings, Inc., declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing Verified Notice of Exemption and that its assertions are true and correct to the best of my knowledge, information and belief. No local traffic has moved over the subject line for at least two years' time, and any overhead traffic on the line can be rerouted over other lines. Moreover, no formal complaint by a user of rail service on the subject line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the subject line is pending before the Board or any U.S. District Court or has been decided in favor of a user within the two year period. I further declare that I am qualified and authorized to submit this verification on behalf of Seaside Holdings, Inc. I know that willful misstatements or omission of material fact constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

Dated at Palm Beach Garden, Florida, this 5th day of March 2009.



Dan Corcoran